

**In re: ALEX FARM CORPORATION.**  
**PACA Docket No. D-00-0009.**  
**Decision and Order filed September 22, 2000.**

Andrew Y. Stanton, for Complainant.  
Respondent, Pro se.  
*Decision and Order issued by Dorothea A. Baker, Administrative Law Judge.*

**Preliminary Statement**

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*), hereinafter referred to as the "Act", instituted by a complaint filed on March 15, 2000, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. It is alleged in the complaint that during the period December 1997 through February 1999, Respondent failed to make full payment promptly to 16 sellers of the agreed purchase prices in the total amount of \$419,922.50 for 229 lots of perishable agricultural commodities, that Respondent purchased, received and accepted in interstate and foreign commerce.

A copy of the complaint was served upon Respondent, and it has not been answered. The time for filing an answer having run, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order is issued without further investigation or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

**Findings of Fact**

1. Alex Farm Corporation [hereinafter "Respondent"] is a corporation organized and existing under the laws of the State of Florida. Its mailing address is P.O. Box 524143, Miami, Florida 33152, and its business address is 1160 N.W. 21<sup>st</sup> Terrace, Miami, Florida 33127.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 941025 was issued to Respondent on April 18, 1994. This license terminated on April 18, 1999, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.

3. As more fully set forth in paragraph 3 of the complaint, Respondent, during the period December 1997 through February 1999, failed to make full payment promptly to 16 sellers of the agreed purchase prices in the total amount of \$419,922.50 for 229 lots of perishable agricultural commodities, which it purchased, received and accepted in interstate and foreign commerce.

**Conclusions**

Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact 3 above, constitutes willful, flagrant and repeated violations of Section 2(4) of the PACA (7 U.S.C. § 499b(4)), for which the Order below is issued.

### **Order**

A finding is made that Respondent has committed willful, repeated and flagrant violations of Section 2(4) of the Perishable Agricultural Commodities Act (7 U.S.C. § 499b(4)), and the facts and circumstances set forth above shall be published.

This order shall take effect on the 11<sup>th</sup> day after this Decision becomes final.

Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within thirty days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139, 1.145).

Copies hereof shall be served upon the parties.

[This Decision and Order became final November 2, 2000.-Editor]